

## REMARKS

Claims 1-35 are pending. Claims 1, 17, 19, 21, 24, 25, 28, 30, 32, and 34 have been amended. No new matter has been introduced. Applicants respectfully request reconsideration of the application.

In the March 11, 2004 Office Action, the Examiner rejected claims 1, 2, 5-8, 10-13, 17, and 19-27 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,979,757 to Tracy et al. ("Tracy"). Claims 3, 4, 9, and 14-16 were rejected under 35 U.S.C. §103(a) as being obvious over Tracy in view of U.S. Patent No. 6,129,274 to Suzuki ("Suzuki"). Claim 18 was rejected under 35 U.S.C. §103(a) as being obvious over Tracy. These rejections are respectfully traversed.

Embodiments of the present invention are directed to a method for a handheld recommendation assistant. A handheld device reads product information of a product from a product tag. Consumer information is retrieved through a connection to a consumer information storage device. The consumer information is associated with the product and is retrieved based at least in part on the product information. The consumer information includes information about the product. Personal information of a user is acquired relevant to at least one aspect of the product. A product recommendation recommending a most suitable product is generated equivalent to the product based at least in part on the personal information and the consumer information. The product recommendation is generated by a recommendation processor housed within the handheld recommendation assistant.

In the March 11, 2004 Office Action, the Examiner rejected claims 1, 2, 5-8, 10-13, 17, and 19-27 under 35 U.S.C. §102(b) as being anticipated by Tracy. The

Examiner stated that Tracy discloses a system/method of a handheld recommendation assistant 70 comprising a barcode scanner reading product information from a product tag, retrieving consumer information through a connection to a consumer information storage device, acquiring personal information of a user, and **generating a product recommendation list**.

**Independent claim 1, as amended, recites (with emphasis added):**

A method for a handheld recommendation assistant, said method comprising:

reading, by a handheld device, product information of a product from a product tag;

retrieving consumer information through a connection to a consumer information storage device, said consumer information being associated with said product and being retrieved based at least in part on said product information, said consumer information including information about said product;

acquiring personal information of a user relevant to at least one aspect of said product; and

generating a product recommendation **recommending a most suitable product equivalent** to said product based at least in part on said personal information and said consumer information, the product recommendation being generated by a recommendation processor housed within the handheld recommendation assistant.

Tracy discloses a method and system for **presenting item information** to a shopper using a portable data terminal. The shopper carries the portable data terminal around, as shown in FIG. 4. The portable data terminal is used to collect data from a

coded label for a product. The coded label can include uniform resource locators (“URLs”) used to reference sites on the world wide web. [Col. 2, lines 42-45.] The “URLs are used by the portable terminal to retrieve data files including items such as prices, nutritional data, coupon availability, promotions, marketing data and general interest data from various local and remote addressed available over a wireless communication network.” [Col. 2, lines 45-49.] The shopper retrieves the portable terminal from a dispenser unit 230 after entering the store, as shown in FIG. 6. [Col. 7, lines 4-9.] The portable terminal communicates data with a central host 14 located locally. “[T]he **central host** *retrieves data, processes information and retransmits data to portable terminals.*” [Emphasis added, col. 6, lines 1-3.] “[T]he central host 14 can also retrieve data from external sources such as IP addressable servers 40 and 50 through a wide area communication network.” [Col. 6, lines 5-7.] Each shopper “who uses the system has an associated file stored on the central host including a customer preference list.” [Col. 9, lines 6-8.] The system can also display price and nutritional data for products. [Col. 11, lines 45-46.] The central host can also deliver to the user’s email address a complete listing of available items in the store based on the user’s previously purchased items. [Col. 14, lines 49-54.]

Applicants respectfully submit that Tracy does not disclose, teach or suggest generating a product recommendation **recommending a most suitable product equivalent** to said product based at least in part on said personal information and said consumer information.

Independent claim 1, as amended, specifies generating a product recommendation **recommending a most suitable product equivalent** to said product

based at least in part on said personal information and said consumer information.

This is a significant distinction, because the entire disclosure of Tracy is directed toward providing information to the user to allow the user to make the ultimate decision on which product to purchase. In the embodiment specified according to independent claim 1, as amended, however, the handheld recommendation assistant generates a product recommendation **recommending a most suitable product equivalent** to said product based at least in part on the personal information and the consumer information. Accordingly, independent claim 1, as amended, distinguishes over Tracy.

Claims 2-18, 26, and 27 directly depend from independent claim 1, as amended, and therefore also distinguish over Tracy for reasons similar to those set forth above with respect to independent claim 1, as amended.

Independent claims 19, 21, 24, 28, 32, and 34, each as amended, each contain limitations similar to those of independent claim 1, as amended, and therefore also distinguish over Tracy for reasons similar to those set forth above with respect to independent claim 1, as amended. Claims 20, 22, 23, 25, 29-31, 33, and 35 depend directly or indirectly from independent claims 19, 21, 24, 28, 32, and 34, respectively, and therefore also distinguishes over Tracy for the same reasons as those set forth above with respect to independent claim 1, as amended.

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Applicants believe that the foregoing amendments place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

Respectfully submitted,

PILLSBURY WINTHROP LLP

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By: 

Roger R. Wise  
Registration No. 31,204  
Attorney For Applicants

725 South Figueroa Street, Suite 2800  
Los Angeles, CA 90017-5406  
Telephone: (213) 488-7100  
Facsimile: (213) 629-1033